

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

APPROVED 5/24/10

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 10th day of May 2010 A.D. at 7:00 p.m.

President Bollin opened the meeting with the Pledge of Allegiance to the Flag.

Roll Call:	Donald Bollin-President	Jay Lambert
	JoAnne Arruda-Vice President	Cecil E. Leonard
	Hannibal Costa - Absent	Edward Roderick - Absent
	Louise Durfee	

Town Administrator, James C. Goncalo and Town Solicitor, Andrew M. Teitz were also present.

Approval of Consent Agenda:

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Council President Bollin read the items on the Consent Agenda.

President Bollin had a request for removal of item A-4, Invitation to a "Congress of Councils".

Councilor Leonard made a motion, seconded by Councilor Durfee to approve the remaining items on the Consent Agenda. Motion passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA:

A-1-Approval of Minutes of Previous Meetings:

- a. Approval of Minutes from Regular Council Meeting April 26, 2010 Councilor Arruda abstained - Absent
- b. Approval of Executive Session Minutes of April 26, 2010 Councilor Arruda abstained - Absent
- c. Approval of Minutes from Special Council Meeting May 4, 2010

A-2-Receipt of Minutes from Various Board and Commissions:

- | | |
|-------------------------|-------------------------------------|
| a. School Committee (5) | c. Wastewater Management Commission |
| b. Art Council | d. Municipal Bldg Adv Committee |

A-3-Correspondence:

- a. Resolutions Received
 1. Opposing Mandatory Binding Arbitration Legislation from School Committees of North Smithfield and Bristol/Warren
 2. Opposing "Contract Continuation from School Committees of Bristol/Warren, North Smithfield and Foster Town Council
 3. Encouraging Return of 34th America's Cup Challenge to Newport from Town Councils of Middletown and Jamestown
 4. Supporting House Bill 7014 - Bridge Safety from Town of Jamestown
 5. Requesting General Assembly Vacate Financial Mandates Pertaining to Municipal and School Employee Pensions, Health Insurance Cost Sharing and school Health Care Benefits. Also Resolving Towns and Cities Implement Budget Articles Known as "Municipal Tools", Calling for Reduction at Local Level Equal to State Workers from Town of Portsmouth
 6. Received from Warren Town Council Proclaiming May Mental Health Month

A-5-Received From Garry Plunkett, Tiverton Representative to East Bay Energy Consortium – Feasibility Study Status Report

A-6-Received From City of Fall River Chief of Fire Department Thanking Tiverton For Mutual Aid

A-7-Received From Bobby E. Allcock IV Regarding Enforcement of No Dirt Bikes or All Terrain Vehicles in Nature Trails

A-8-a. Tiverton Yacht Club – Request Zoning Ordinance Text and Map Amendment - Continued From April 26th Ethics Advisory Opinions Expected May 18th Schedule Public Hearing for June 14, 2010

b. Planning Board Recommendation

A-9-Report Received From Treasurer DiMattia Regarding Investments

A-10-a. Alex Cacheco –Request Approval for 5K Run/Walk and Bike Ride Memorial for John Toulon on July 31 with Rain Date of August 7th Subject to Meeting Police Chief Requirements and Route Approval– Chief Memo Attached

b. Approval of Public Hearing for Noise Variance at 69 Nanaquaket on July 31st for Live Music on June 14 - Continued from April 26, Meeting

Invitation Received From Town Council of Jamestown Regarding “Congress of Councils” to Discuss and Strategize Defeat of Hess LNG in Mt. Hope Bay

Resident Laura Epke noted a reply was requested regarding interested Councilors. Town Clerk, Nancy Mello, will send a blast email to all the Councilors asking who might want to attend.

Councilor Durfee made a motion, seconded by Councilor Arruda to carry this over to the next meeting. Councilor Leonard noted the Council has already passed a resolution opposing LNG doesn't see the need to go. President Bollin noted it was to find other ways to strategize defeating the Hess LNG. Motion passed unanimously.

APPOINTMENTS & RESIGNATIONS:

Tiverton Housing Authority – Resignation of Stephen F. Chase

Councilor Leonard made a motion, seconded by Councilor Durfee to accept with regret the resignation of Stephen F. Chase from the Tiverton Housing Authority. Motion passed unanimously.

Appointment to Zoning Board Alternate 1 and Alternate 2, Candidates Previously Interviewed

a. Matthew J. Cayer

b. Wendy Taylor Humphrey

Town Clerk Nancy Mello had not received any further appointment requests for the Zoning Board, which had to cancel the last meeting for lack of a quorum.

Councilor Leonard made a motion to appoint Matthew J. Cayer as 1st Alternate and Wendy Taylor Humphrey as 2nd Alternate to fill unexpired terms to June 30, 2010. Seconded by Councilor Lambert motion passed unanimously.

FINANCIAL BUSINESS:

Tax Collector, T. McGowan – Request Council Approval to Abate Uncollected Taxes of \$6,544.54

Reasoning Attached

Tax Collector, Toni Lyn McGowan, requested Council approval to abate uncollected taxes for an abandoned trailer, a property redeemed after tax sale needing to be removed from the Tax rolls and for tangible property where two owners were deceased.

Councilor Durfee made a motion, seconded by Councilor Arruda to approve the request to abate uncollected taxes in the amount of \$6,544.54. Motion passed unanimously.

Town Administrator/ Fogland Oversight Committee – Request Release of Fogland Carry Over Funds for the Survey/Map Project Acct #099-098997 for \$15,000

Councilor Durfee made a motion, seconded by Councilor Arruda to approve the release of Carry Over Funds for the Survey/Map Project, Account #099-098997 for \$15,000. Motion passed unanimously.

NEW BUSINESS:

Honorable June Gibbs – Straight Ticket Voting

The Honorable June Gibbs, former State Senator, appeared before the Council to address the affects of Straight Ticket Voting on non-partisan offices. Senator Gibbs passed out some statistics regarding non-partisan races. The old voting machines had levers indicating who got your vote. The current optical scan system does not show who you voted for when marking the straight party lever. Most people don't realize they haven't voted for Town Council or School Committee in non-partisan races. In 2008, in Middletown, 81% voted in the partisan Town Council race compared to 65% in the Tiverton non-partisan Town Council race. If you voted straight party and made any mark in a multi-seat race, you cancelled your straight party votes in that race. Some say the machines could be revamped but that would be costly. Twenty three cities and towns, the Board of Elections, Common Cause and Operation Clean Government, to name a few, voted to eliminate the Straight Party Ballot. Would like the Town Council's support and vote in favor of eliminating the Straight Party Ballot. In 2008 19.8% voted a Straight Party. President Bollin noted under votes are always a large percentage. Senator Gibbs noted people could still vote a straight party one candidate at a time, takes a little longer.

Councilor Durfee made a motion, seconded by Councilor Arruda to continue this to the next meeting. Motion passed unanimously.

Town Clerk – Follow-up Discussion and Action if Necessary of Financial Town Meeting

Town Clerk Nancy Mello placed this item on the agenda in case of issues. Had received many emails, phone calls, etc. regarding some problems. Have met with the Moderator who requested a Power Point program, not sure if that is feasible by end of week. The Clerk handed out a spreadsheet indicating estimated costs for the Town Meeting. Only had \$7,000 in the budget, expenses estimated to date at approximately \$16,000, asking the Council for funds from Council Contingency.

The Clerk also noted the need for more Police; Chief Lloyd suggested additional Fire Dept. presence. Have requested more microphones, a change in the screen set up, ordered 1000 more dockets. President Bollin asked voters bring dockets back for second meeting. Ordered wristbands of a different color, the only master video is from Steve Rys, needs to compensated more for the work he puts in, Treehouse not doing video. President Bollin noted opening the other bleachers will not alleviate the problem, room can only hold so many, still have the issue of two venues.

Town Clerk Nancy Mello made clear there was a lot of unacceptable behavior, Chief Blakey will ask any one hurling personal insults to leave. President Bollin pointed out the budget needs to be resolved in a civil manner even if it is contentious. Councilor Arruda added this was not only for members of the audience but Committee members and panelists as well. Councilor Durfee noted the moderator should be addressing that issue. Solicitor Teitz suggested that all motions be in writing so it can be read. Councilor Durfee suggested this would help the Moderator with the clarity of the motion. The Clerk requested two more speakers and monitor to be placed on either side of stage to help with hearing issues. Screen will also be moved behind stage to help with additional seating. Solicitor Teitz noted a dedicated person was needed to communicate with the auditorium. The Clerk had walkie-talkies at the end, proved useful. President Bollin noted a venue that puts all the people in one room would be better. The Clerk noted this was the first time since 1991 that 2 rooms were used. Councilor Arruda suggested getting the votes from the auditorium first; the Clerk said that would be the Moderator's decision. The Clerk asked for additional funds from Council Contingency.

Councilor Durfee made a motion, seconded by Councilor Arruda to authorize the use of \$10,000 from Council Contingency for the FTM. Motion passed unanimously.

The Clerk can be contacted with any additional suggestions.

Town Administrator – Request Permission to Advertise for New Fire Department Hire List

Administrator Goncalo requested permission to advertise due to a retirement, need an updated hire list.

Councilor Leonard made a motion, seconded by Councilor Arruda to authorize the advertising to establish a new hiring list. Motion passed unanimously.

TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

1. Canonicus St. closed to through traffic Tuesday to Thursday for sewer install, excavation and a binder coat.
2. Kearns Ave. and Hooper St. will be excavated, need repairs.
3. Submitted to Energy Office an Activity 3 project, three boilers for Fire Stations, infrared heaters for all bays and the DPW, to recover for consultation \$148,000 on the submitted application.

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Councilor Leonard asked the Administrator if he has heard anything if the 25% of the Towns cost for flood relief being waived. Administrator Goncalo has not heard anything yet.

Councilor Durfee noted Steve Rys appreciation for videoing and work at FTM as well as Town Clerk, Nancy L. Mello performing difficult task on coordinating of FTM.

CLOSED EXECUTIVE SESSION:

1. Town Solicitor - Litigation – 42-46-5(a) (2)

2. Town Administrator–42-46-5(a)(2)–Collective Bargaining - IBPO, IAFF & Teamsters

Councilor Durfee made a motion, seconded by Councilor Arruda to enter into Executive Session pursuant to 42-46-5(a)(2) – Litigation. Motion passed unanimously.

Councilor Durfee made a motion, seconded by Councilor Arruda to remain in Executive Session pursuant to 42-46-5(a)(2) – Collective Bargaining – IBPO, IAFF & Teamsters. Motion passes unanimously.

The Council entered into Executive Session at approximately 7:50 p.m.

The Council returned to Open Session at approximately 8:20 p.m.

OPEN SESSION:

Council President Bollin announced no formal action except for the release of Hoffman report on Bay Street mediation had been taken in Executive Session.

Councilor Arruda motioned to seal the rest of the minutes of Executive Session, seconded by Councilor Leonard. Motion passed unanimously.

ADJOURNMENT:

Councilor Leonard motioned to adjourn, seconded by Councilor Arruda. Motion passed unanimously. Council adjourned at approximately 8:25p.m.

A True Copy.

ATTEST: _____ Nancy L. Mello, Town Clerk

